

BOARD OF ELECTROLYSIS EXAMINERS

MINUTES

DATE: December 3, 2004

TIME: 9:00 AM

LOCATION: Cumberland Room
Ground Floor, Cordell Hull Building
425 Fifth Avenue North
Nashville, TN 37247-1010

MEMBERS PRESENT: Marty McClain, Board Chair
Eldon Pippin, Secretary
Richard Collier, Educator

MEMBERS ABSENT: two positions vacant

STAFF PRESENT: Pamela Pitts, Board Administrator
Marva Swann, Unit Director
Bob Kraemer, Advisory Attorney
Jerry Kosten, Regulations Manager
Elisha Hodge, Litigating Attorney
Lea Phelps, Investigations

With a quorum being present the meeting was called to order by Mr. McClain at 9:15 AM.

Mr. McClain acknowledged Mr. Richard Collier as the new Board Member, position Educator. Ms. Pamela Pitts was acknowledged as the new Board Administrator. Ms. Marva Swann was acknowledged as the new Unit Director.

Conflict of Interest

Mr. Kraemer reviewed the Conflict of Interest Policy and reminded the Board of their responsibilities under the policy. Mr. Kraemer informed Mr. Collier to sign and date the conflict of interest policy and submit to Ms. Pitts.

Office of General Counsel

Mr. Kraemer reviewed the Office of General Counsel Report. Mr. Kraemer informed the Board Members of Rule 0540-1-.06, 0540-3-.06- Fee Increase; Exams; Temporary Permit. The Rule went into effect on June 1, 2003. Mr. Kraemer informed the Board before the Rule 0540-1-.15; 0540-3.15 for disciplinary authority: modification, order of

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Continued: Office of General Counsel

Compliance, assessment of cost can become effective the Board will need to conduct a roll-call vote for final approval. Mr. Kraemer informed the Board there is currently one agreed order and one consent order on the docket for this meeting. Mr. Kraemer informed the Board to review the RBS report through September 2004.

Agreed/Consent Orders

Ms. Hodge reviewed the agreed order for Ms. Cynthia Goforth. Ms. Goforth worked without an Electrolysis license from October 1995, through December 2003. Ms. Goforth will pay a total penalty of \$2,000.00. Her license will be reinstated. A motion was made by Mr. Pippin to accept the agreed order and seconded by Mr. Collier. The motion carried.

Ms. Hodge reviewed the consent order for Ms. Marretta Herrin. Ms. Herrin worked previously without an Electrolysis license. Her license has been revoked as of December 3, 2004. A motion was made by Mr. Collier to accept the consent order and seconded by Mr. Pippin. The motion carried.

Rule Making Hearing

Mr. Kosten presented the roll call vote for the December 23, 2003 rulemaking hearing regarding Order Modifications, Orders of Compliance, and Mandatory Appearances by Licensees at the end of their disciplinary periods. Mr. Pippin made the motion to adopt the rule, Mr. Collier seconded. The motion carried. Ms. Pitts conducted the roll call vote to adopt the rule. Mr. Pippin, Mr. Collier and Mr. McClain all voted yes.

Mr. Kosten addressed the issue of the renewal fee; the increase fee had not properly gone into effect as should. Effective June 1, 2003 the fee was increased from \$350.00 to \$690.00. Most licensees who renewed their license were still paying the old amount of \$350.00 instead of the correct amount of \$690.00. Mr. Kosten informed the Board Members this is a computer error and the matter was still being reviewed.

The Board voted to authorize a rule-making hearing regarding the order in which licensure can be obtained. A motion was made by Mr. McClain and seconded by Mr. Pippin for an applicant to meet the educational requirement before taking the AEA, SCME and Practical Exam for a limited license or regular license. The motion carried.

A motion was made by Mr. McClain and seconded by Mr. Collier to authorize a rule-making hearing to adopt infection control standards. The motion carried.

Ratifications

A motion was made by Mr. McClain and seconded by Mr. Pippin to approve the newly licensed. The motion carried.

Disciplinary Status and Investigation Report

Ms. Phelps reviewed the disciplinary report which shows that a total of three people have been disciplined. The investigative report shows three cases closed with no action. Currently there are no complaints at this time.

Applicant File Review

Mr. Kraemer introduced the applicant Ellen Leonard-Pugh who was advised by the Board at the November 21, 2003 meeting to take additional college level courses specifically in Anatomy and Physiology. Ms. Pugh asked the Board to review her transcript of the college level courses she had taken and if she could use the Physical Education/Health course for an Anatomy and Physiology course. Mr. Collier, the Board Educator, reviewed her transcript and informed Ms. Pugh the Physical Education/Health course does not meet the requirement of an Anatomy/Physiology course. The Board requests that Ms. Pugh take the required 4 college level semester credit hours of Anatomy/Physiology. A motion was made by Mr. Collier and seconded by Mr. McClain. The motion carried.

Mr. Kraemer introduced the applicant Ms. Constance Willits. Ms. Willits request to come before the Board to obtain an Electrolysis license by reciprocity although New York does not require a license to practice Electrolysis. Ms. Willits passed the IBEC exam on April 20, 1986, which is comparable to the AEA exam. Mr. Kraemer acknowledges Ms. Willits continued education and work experience as an Electrologist and regrets to inform her that she can not become licensed in the State of Tennessee. By our rules and regulations she does not meet the requirements of reciprocity since she was not licensed in the state of New York.

At this time the Board took a recess.

Set Board Meeting Dates for 2005

A motion was made by Mr. Pippin and seconded by Mr. Collier to approve May 19, 2005 and October 20, 2005 as the new Board Meeting dates. The motion carried. A motion was made by Mr. McClain and seconded by Mr. Collier to approve January 20, 2005 and June 16, 2005 for Mr. Pippin to conduct the Practical Exam dates if the normal regular scheduled Board Meeting dates are cancelled. The motion carried.

Discussion of Disciplinary Guidelines and Public Chapter 575

Mr. Kraemer discussed the Disciplinary Guidelines and scope of practice. He informed the Board that a consultant can review the cases or complaints. Mr. Kraemer notified the Board that an Electrologist can be the consultant. A motion was made by Mr. Pippin and seconded by Mr. Collier to adopt Public Chapter 575. The motion carried.

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A motion was made by Mr. Pippin to approve the November 21, 2003 Board Meeting Minutes and seconded by Mr. Collier. The motion carried.

Administrative Report

Ms. Pitts presented the following Administrative statistical information:

Electrologists
Active Licensees – 62
Retired Licensees – 25
Failed to Renew – 55

<i>Measure</i>	<i>Goal</i>	<i>1st & 2nd Qtr. Avg.</i>
Renewal Processing Time	14 days	9.1
Application Processing Time	100 days	N/A

Ms. Pitts reported in the month of October 2004, a total of 4 Electrologist renewed, one Electrologist renewed on- line.

Consideration of Denial

Jennifer Lytle, Instructor of The Tennessee Institute of Electrolysis School, requested that the Board review a denial for Limited License for applicant Lisa Stovall. Mr. Kraemer informed Ms. Lytle that Ms. Stovall must appeal and request to come before the Board at its next scheduled meeting. Mr. Kraemer informed Ms. Lytle that Ms. Stovall does not meet the qualifications for a limited license, but she can apply for a limited license by taking 600 hours of training under direct supervision of a licensed Dermatologist.

Adjournment

All business was concluded and the meeting was adjourned at 12:30 PM.